



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): January 25, 2021

ORM Number: MVP-2020-01969-EJW

Associated JDs: N/A

Review Area Location¹:

State/Territory: MN **City:** Centerville **County/Parish/Borough:** Anoka County

Center Coordinates of Review Area: Latitude 45.155299 Longitude -93.036895

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stormpond 1	1.62 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Stormpond 1 did not appear in aerial imagery prior to 2002 in Aerial Imagery. The Lidar and NHD maps in the delineation report as well as the National Wetlands Inventory Maps indicate that Stormpond 1 was constructed in either upland or a non-jurisdictional water as a stormwater control feature. Therefore Stormpond 1 meets the (b)(10) exclusion under the NWPR and is not a water of the US (WOUS).
Wetland 1	0.66 acres	(b)(1) Non-adjacent wetland	The nearest (a)(1)-(a)(3) water is Clearwater Creek approximately 0.18 miles north of Wetlands 1 and 1A. Wetland 1 is connected to Wetland 1A (Wetland 4a from 2016 delineation report) via culvert. According to the 2016 delineation report, Wetland 4 is a ditch broken into three wetlands (4a, 4b, and 4c) Wetland 4a is separated from Wetland 4b by an access road with Wetland 4c being a small constructed stormwater/swale feature at the north end of the ditch. The boundaries of Wetland 4c from the 2016 delineation report indicate that Wetland 4c is not a relocated tributary and does not have a surface water connection to Clearwater Creek therefore Wetlands 1 and 1A do not meet the definition of adjacent wetlands. Wetlands 1 and 1A do not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year and are not waters of the US (WOUS) under the NWPR rule.
Wetland 1A	0.02 acres	(b)(1) Non-adjacent wetland	

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Fairview St. & 21st Ave South Wetland Delineation Report by Kjolhaug Environmental Services Company, Inc. (October 8, 2020) and United Properties Site Wetland Delineation Report by Kjolhaug Environmental Services Company, Inc. (April 29, 2016) – (Submitted with 2016 RGP-003-MN application)

This information (*is and is not*) sufficient for purposes of this AJD.

Rationale: Aerial imagery was necessary to determine when Stormpond 1 was constructed.

☒ Data sheets prepared by the Corps: 2011-03122-ADB RGP-003-MN

☒ Photographs: (*aerial*) Google Earth 1991-2020

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

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- ___ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
___ USFWS NWI maps: *Title(s) and/or date(s)*.
___ USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A
- C. Additional comments to support AJD:** N/A

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